

REMARKS

Claims 1-4, 6, 8-10, 12-18, 22, 23, 25, 27, 28, 30-33, 35-39, 41-45, 47-49, 52, 53, 56-58, 60, and 61 remain in the application, with claims 1, 4, 8-10, 15-18, 23, 26-28, 32, 33, 35, 36, 38, 41, 42, 45, 47, 49, 52, 53, and 56-18 having been amended hereby and claims 5, 7, 11, 19-21, 24, 26, 29, 34, 40, 46, 50, 51, 54, 55, and 59 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the objection to the Declaration.

A new Declaration is submitted herewith as Exhibit A that correctly sets forth the foreign priority application filing date.

Reconsideration is respectfully requested of the objection to the drawings.

Submitted herewith is a replacement sheet for Fig. 1 in which Fig. 1 now bears the legend "Prior Art". Also submitted is an annotated drawing showing this change.

Reconsideration is respectfully requested of the objection to the claims under 37 CFR 1.75.

The claims have been amended hereby so that they are not substantial duplicates as noted.

Reconsideration is respectfully requested of the rejection of claims 1-9, 23-31, and 53-61 under 35 USC 101 as

being directed to nonstatutory subject matter.

The examiner notes that the claims are directed to a data storing medium and include a description of areas in which various types of data are stored in the medium.

It is respectfully submitted that the data and the recording medium are, in fact, functionally and structurally interrelated because the data that is recorded on the recording medium controls operations that may be performed relative to that very same recording medium. That is, the data may be the copyright control data, which may prohibit copying or, in fact, playing back the data recorded on the recording medium. Similarly, the data may be recorded as an embossed area so that the data cannot be changed by a subsequent user. Thus, the embossed area also forms a relationship, in that instance, between the data and the record medium.

Reconsideration is respectfully requested of the rejection of claims 10-18 and 34-44 under 35 USC 112, first paragraph, as not being enabled by the specification and the drawings. More particularly, the claims are objected to as comprising single means or single step claims.

The claims have been amended hereby to eliminate any single means or single step recitations in the respective independent claims.

Reconsideration is respectfully requested of the rejection of claims 1-21, 25, 33, 36, 41, 42, 46-48, 51, 54, 55, and 57 under 35 USC 112, second paragraph, as being indefinite.

In regard to claim 1, the examiner notes that the digital data area can have one of encrypted digital data and nonencrypted digital data written therein. Thus, the examiner correctly notes that this suggests that the copyright control information is not necessary when only nonencrypted data has been written. The examiner states incorrectly, however, that this contradicts the limitation that copyright control information is necessary. This statement is made incorrectly because the examiner has not completely finished the phrase in the claim. The relevant portion of claim 1 states that the copyright control information is necessary for decrypting the encrypted digital data.

Thus, there is no contradiction since the copyright control information is already acknowledged as not being necessary for nonencrypted data and thus, is necessary for encrypted data. Claim 1 has been nonetheless amended hereby to emphasize this feature of the present invention.

In regard to the subsequent issues of indefiniteness, all of the relevant claims have been amended hereby or cancelled, to meet the objections raised by the examiner.

Accordingly, by reason of the amendments made to the claims hereby, it is respectfully submitted that the claims are directed to statutory subject matter and are set forth in clear and definite terms so as to meet all requirements of 35 USC 112.

Reconsideration is respectfully requested of the rejection of claims 1-5, 7, 10, 18, 23-32, 34, 35, 38, 39, 43-45, 49, and 53-61 under 35 USC 102(e), as being anticipated by Tosaki et al.

The present invention relates to providing a copyright protection to a record medium by providing the copyright control data for information on the disk at a specific location. More particularly, the copyright control data is recorded at two separate locations in a second area, as shown in Fig. 8. These two areas are separated and apart from each other, but the same copyright control information is recorded in each area to provide a redundant system. Furthermore, these areas are write-prohibition areas and are typically embossed areas on the surface of the disk in order to obtain the desired write-prohibition areas. As a further feature of the present invention, the copyright control information is formed in conjunction with an error correction code, so that the information may be accurately reproduced and as a side feature cannot be destroyed by attempting to add erroneous

data.

The claims have been amended hereby to emphasize the above-noted features of the present invention.

Tosaki et al. also relates to a recordable optical disk and has two separate areas on the disk for recording information. More specifically, Tosaki et al., as stated in column 6, has first and second control data areas located on the disk. More importantly, Tosaki et al. states that the information structures of the first and second control data areas are different from each other. Thus, according to Tosaki et al., the first control data area has a region that can record disk production information and includes copyright protection data recorded in that first control area, wherein such recording can be performed by embossment. The second control area is for recording production information, such as the maximum transfer rate or the last address into which data is to be recorded.

Accordingly, it is respectfully submitted that Tosaki et al. does not disclose the features of the present invention in which a plurality of copyright control information areas are spaced apart by a predetermined interval and in which the same copyright control information is recorded in the plurality of copyright control information areas.

In addition, Tosaki et al. is completely silent

concerning the provision of any error correction code in the copyright control information, as taught by the present invention and as recited in the amended claims.

Accordingly, it is respectfully submitted that Tosaki et al. fails to anticipate the present invention as now set forth in the amended claims.

Reconsideration is respectfully requested of the rejection of claim 22 under 35 USC 102(e), as being anticipated by Matsumoto et al.

Matsumoto et al. also relates to a copy controlling method in which a watermark is embedded in the data signal and subsequently processed in the conventional manner, that is, along with an error correcting code. In Matsumoto et al. the error correcting code is generated based on the main data of the original signal. Thus, the data bearing the watermark is error correction encoded.

Claim 22 recites the feature of the present invention in which it is determined whether an entire error correction block is not error corrected. In this case, the error correction block contains copyright control information necessary for decrypting the encrypted digital data. As recited in claim 22, data of the error correction block that does not contain the copyright control information and that does not have an error is reproduced.

Nothing in Matsumoto et al. suggests this recited feature of the present invention, as set forth in claim 22. Thus, it is submitted that Matsumoto et al. does not anticipate claim 22.

Reconsideration is respectfully requested of the rejection of claims 6, 9, 11-13, 15, 17, 33, 37, 40, 42, 46, 48, 50, and 52 under 35 USC 103, as being unpatentable over Tosaki et al. in view of Matsumoto et al.

Claims 6 and 9 depend from claim 1, claims 10-13, 15, and 17 depend from independent claim 10, claims 33 and 37 depend from independent claim 32, claims 40 and 42 depend from independent claim 38, claims 46 and 48 depend from independent claim 45, and claims 50 and 52 depend from independent claim 49.

As set forth hereinabove, the independent claims are thought to be patentably distinct over the cited reference.

Accordingly, it is respectfully submitted that even adding Matsumoto et al. to Tosaki et al., that the deficiencies of Tosaki et al. are not cured. That is, there is nothing in the combination of references that shows recording the plurality of copyright information areas spaced apart by a predetermined interval and in which is written the exact same copyright data, as taught by the present invention and as recited in the amended claims.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a data storing medium, method, and apparatus, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in dark ink, appearing to read "Jay W. Maioli". The signature is fluid and cursive, with the first and last names being more prominent.

Jay W. Maioli
Reg. No. 27, 213

JHM:tb

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings include changes to Fig. 1. Specifically, Fig. 1 is amended to include the legend "Prior Art".

Attachment: Replacement sheet
 Annotated sheet showing changes